

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

-

WRIT PETITION NO : 8367 of 2005

Between:

Vemulapalli Rajeshwar, s/o V.Chitti Babu Rao,
Sidhardhanagar Colony, Near Vengalrao Nagar

Colony, Hyderabad-500 038.

..... PETITIONER

AND

1. The Deputy Superintendent of Police,
CID, Hyderabad.

2. The Director of Prosecutions, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to pass an appropriate writ order or direction more particularly in the nature of writ of Mandamus declaring the action of the respondents in not filing the counter in CrI.M.P.No.665/05 in C.C.215/04 on the file of XXII Metropolitan Magistrate, City Criminal Courts, Hyderabad as illegal and arbitrary, consequently to direct the prosecution to cooperate with XXII Metropolitan Magistrate, City Criminal Court, Hyderabad in disposing of the C.C.NO.219/04 and to direct the Honourable Magistrate to dispose of the case i.e., C.C.NO.219/04 as early as possible.

Counsel for the Petitioner: MR.HARI BABU MANNE

Counsel for the Respondents: GP FOR HOME

The Court made the following:

ORDER:

This writ petition is filed to declare the action of the respondents in not filing the counter in Crl.M.P.No.665 of 2005 in C.C.No.215 of 2004 on the file of the XXII Metropolitan Magistrate, City Criminal Courts, Hyderabad, as illegal and arbitrary and to direct the prosecution to cooperate with XXII Metropolitan Magistrate, City Criminal Court, Hyderabad, in disposing of the C.C.No.219 of 2004.

2. It is stated that the said criminal miscellaneous petition was filed for advancement of the date of hearing of the trial. The said Crl.M.P. underwent adjournments from 17.01.2005, 24.01.2005, 18.02.2005, 24.02.2005, 15.03.2005, 23.03.2005, 04.04.2005 and 15.04.2005 for filing the counter. But no counter has been filed and the learned Magistrate has not passed any orders on the said Crl.M.P.

3. If no counter is filed, it is always open to the learned XXII Metropolitan Magistrate to pass order on the said application filed for advancement of hearing.

4. Accordingly, the writ petition is disposed of directing the respondents 1 and 2 to file counter in the said Crl.M.P. within one week from the date of receipt of a copy of this order, and if no such counter is filed, it is open for the learned XXII Metropolitan Magistrate, City Criminal Court, Hyderabad to pass appropriate order on the advancement petition for advancing the hearing i.e., trial of C.C.No.219 of 2004. No costs.

V.ESWARIAH,J.

Date: 15th April 2005.

*BSB/CCM

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Deputy Superintendent of Police,
CID, Hyderabad.
2. The Director of Prosecutions, Hyderabad.
3. The XXII Metropolitan Magistrate, City Criminal Court,
Hyderabad.
4. Two CCs to the Government Pleader for Home, High Court of
A.P., Hyderabad (OUT).
5. Two CD copies

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